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**OFFICE OF PETITIONS**

**DECISION ON**

**PETITION UNDER**

**37 CFR 1.137(b)**

In re Application of :  
Berg et al. :  
Application No.: 09/855,535 :  
Filing Date: May 16, 2001 :  
Docket No.: 8553/215 :  
For: An Implement For Automatically :  
Detaching And Displaying An Amount Of :  
Feed, Such As, For Example, Silage Or Hay :

This is a decision on Petition Under 37 CFR 1.137(b), filed on November 22, 2005.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a timely and proper reply to the final Office action mailed June 27, 2003, which set a shortened statutory period for reply of three (3) months. The application went abandoned at midnight on December 27, 2003. A Notice of Abandonment was mailed on April 21, 2004.

Petitioner has met the requirements for revival under §1.137(b). Petitioner submitted the required reply in the form of a Request for Continued Examination (and fee), paid the petition fee, and made the statement that "the entire delay from the due date for filing the required Request for Continued Examination (November 27, 2003) or taking other appropriate action, until the filing of a grantable petition under 37 CFR §1.137(b) was unintentional." This is being construed as a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Petitioner must notify the Patent and Trademark Office if such an interpretation of the statement in the petition is not correct. Thus, the statement in the petition is being accepted in satisfaction of 37 CFR 1.137(b)(3). Since this utility application was filed after June 8, 1995, no terminal disclaimer is required. Accordingly, the petition is granted under §1.137(b).

This application is being referred to Technology Center 3643 for continued processing.

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*on behalf of*  
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